

REMARKS

Summary

Claims 1-48 stand in this application. Claims 1, 14 and 36 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended claims 1, 14 and 36 in order to facilitate prosecution on the merits. Support for the amendments may be found at least on Page 4, Lines 10-15 of the application.

35 U.S.C. § 103

At page 2, paragraph 4 claims 1-8, 14-20, 24-31, 33-35 and 36-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Publication Number (USPPN) 20040155909 (“Wagner”) in view of USPPN 20040061706 (“Cronin”). At page 6, paragraph 5 claims 9-13, 21-23, 32 and 44-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wagner in view Cronin and further in view of US 6297795 (“Kato”). Applicant respectfully traverses the rejections, and requests reconsideration and withdrawal of the obviousness rejections.

The Office Action has failed to meet its burden of establishing a *prima facie* case of obviousness. According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of

ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

To form a *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. See MPEP § 2143.03, for example. Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken alone or in combination, fail to teach or suggest every element recited in claims 1-48. Therefore claims 1-48 define over Wagner, Cronin and Kato whether taken alone or in combination. For example, claim 1 recites the following language, in relevant part:

dynamically and automatically sizing cells of said plurality of active cells in response to changes in the amount of said information to be displayed in said active cells, wherein said dynamically and automatically sizing comprises adjusting a size of a dynamically sizable active cell in response to a change in an amount of information displayed in the dynamically sizable active cell.

Applicant respectfully submits that he has been unable to locate at least the above recited language of amended independent claim 1 in the teachings of Wagner, Cronin or Kato.

Applicant respectfully submits that Wagner fails to teach, suggest or disclose the above recited language of amended independent claim 1. As correctly noted in the Office Action, Wagner fails to teach "dynamically and automatically sizing cells of said plurality of active cells in response to changes in the amount of said information to be

displayed in said active cells.” Therefore, Applicant respectfully submits that Wagner fails to teach, suggest or disclose each and every element recited in amended independent claim 1.

Furthermore, Applicant respectfully submits that Cronin also fails to teach, suggest or disclose the above recited language of amended independent claim 1. Applicant respectfully submits that Cronin, arguably, teaches subdividing a sponsor display into equal or unequal viewing areas to display image data from different display clients. Cronin does not appear to change the viewing areas, however, in response to any changes in the image data for a display client. Rather, Cronin changes a size for the image data to fit the viewing area. For example, Cronin states:

When the appropriate number of viewing areas is determined, display service 16 may dynamically resize the image data obtained from one or more client 12b, 12c and 12d for presentation on the sponsor display 14a.

Cronin, Paragraph [0021]. As a result, Cronin fails to teach “dynamically and automatically sizing cells of said plurality of active cells in response to changes in the amount of said information to be displayed in said active cells.” Cronin further fails to teach “wherein said dynamically and automatically sizing comprises adjusting a size of a dynamically sizable active cell in response to a change in an amount of information displayed in the dynamically sizable active cell.” Therefore, Applicant respectfully submits that Cronin fails to teach, suggest or disclose each and every element recited in amended independent claim 1. Consequently, Wagner and Cronin, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 1.

In addition, Applicant respectfully submits that Kato also fails to teach, suggest or disclose the above recited language of amended independent claim 1. Applicant respectfully submits that Kato, arguably, teaches an information processing apparatus of a type adapted to be held in the hand of a user and that can switch the mode for displaying data on a display screen between a portrait mode and a landscape mode. Applicant respectfully submits that he has been unable to locate at least the above recited language of amended claim 1 in the teaching of Kato. Therefore, Applicant respectfully submits that Kato fails to teach, suggest or disclose each and every element recited in amended independent claim 1. Consequently, Wagner, Cronin and Kato, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 1.

For at least these reasons, Applicant submits that claim 1 is patentable over Wagner, Cronin and Kato whether taken alone or in combination. In addition, claims 14, 24 and 36 recite features similar to those recited in claim 1. Therefore, Applicant respectfully submits that claims 14, 24 and 36 are not obvious and are patentable over the cited references for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claims 14, 24 and 36. Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example. Accordingly, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 2-13, 15-23, 25-35, and 37-48 that depend from claims 1, 14, 24 or 36, and therefore contain additional features that further distinguish these claims from the cited references.

Conclusion

For at least the above reasons, Applicant submits that claims 1-48 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-48 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-9338 to discuss any matter concerning this application.

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Docket No.: 1070P3822
Examiner: Tran, Tuyetlien T
TC/A.U. 2179

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to the credit card in the previously filed credit card authorization form.

Respectfully submitted,

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